

Jamison R. McCune, OSB No. 135547

Email: mccune@bodyfeltmount.com

BODYFELT MOUNT LLP

319 SW Washington St., Suite 1200

Portland, Oregon 97204

Telephone: (503) 243-1022

Facsimile: (503) 243-2019

Of Attorneys for MAT Holdings, Inc. and MAT Industries, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

JAMES PUCIK, KENDAL PUCIK and
SHAWNA PUCIK,

Plaintiffs,

v.

MAT HOLDINGS, INC., a Domestic
Corporation; MAT INDUSTRIES, LLC, a
Domestic Corporation; and HOME DEPOT
U.S.A. INC., a Foreign Corporation,

Defendants

Case No.

**NOTICE OF REMOVAL OF CIVIL
ACTION**

(28 U.S.C. §§ 1332 and 1441)
(Diversity Jurisdiction)

DEMAND FOR JURY TRIAL

**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF OREGON, PORTLAND DIVISION:**

PLEASE TAKE NOTICE THAT Defendant MAT Holdings, Inc., and MAT Industries, LLC (collectively, "MAT") respectfully removes this action from the Multnomah County Circuit Court of the State of Oregon, where it is currently pending, to the United States District Court for the District of Oregon, Portland Division. This Notice is submitted pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

As grounds for removal, MAT states as follows:

NOTICE OF REMOVAL IS TIMELY

1. On or about March 9, 2022, James Pucik, Kendal Puick, and Shawna Pucik, (“Plaintiffs”) filed a complaint against MAT and others in the Multnomah County Circuit Court of the State of Oregon entitled *James Pucik, Kendal Pucik, and Shawna Pucik v. MAT Holdings, Inc., MAT Industries, LLC, and Home Depot U.S.A Inc.*, Case No. 22CV08224. A copy of the summons and complaint is attached as Exhibit A to this Notice. In the complaint, Plaintiffs seek to recover damages for strict liability, negligence, and loss of consortium.

2. On or about March 9, 2022, Plaintiff served a summons and complaint on MAT. Pursuant to 28 U.S.C. § 1446(a), Exhibit A consists of all process, pleadings, and orders that MAT received from Plaintiffs in this action as of the date of this Notice.

3. Pursuant to 28 U.S.C. § 1446(b), MAT filed the Notice of Removal within thirty (30) days of service of the Plaintiff’s complaint.

JURISDICTIONAL BASIS FOR REMOVAL – DIVERSITY JURISDICTION

4. MAT seeks to remove this case to federal court on the basis of diversity of citizenship between the parties pursuant to 28 U.S.C. § 1332.

5. For purposes of diversity jurisdiction, a corporation is “deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business” 28 U.S.C. § 1332(c)(1).

6. Plaintiffs are individuals residing in the State of Oregon.

7. Defendant MAT Holdings Inc. is an Illinois Corporation with its principal place of business in Illinois.

8. Defendant MAT Industries, LLC is an Illinois limited liability company with no members residing in Oregon.

9. On information and belief, Defendant Home Depot, U.S.A. Inc, is a Georgia Corporation, with its principal place of business in Georgia.

10. As no defendant is a citizen of Oregon, there is complete diversity between Plaintiff and Defendants.

THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED

11. The amount in controversy exceeds \$75,000. As shown in Exhibit A, plaintiff's prayer is for \$12,000,000 in economic and noneconomic damages.

12. Because Plaintiff is diverse from Defendants and the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000, this Court has original jurisdiction over the claims pursuant to 28 U.S.C. § 1332.

13. Defendants are entitled to have this cause removed from the Multnomah County Circuit Court of the State of Oregon to the United States District Court for the District of Oregon, Portland Division, the federal district where the state suit is pending.

PAPERS FROM REMOVED ACTION

14. Copies of all pleadings in the action pending in Multnomah County Circuit Court are attached hereto as Exhibit A.

NOTICE TO PLAINTIFF

15. MAT has served written notice of this filing on counsel for Plaintiff as required by 28 U.S.C. § 1446(d).

NOTICE TO STATE COURT WHERE REMOVED ACTION WAS PENDING

16. After the filing of this Notice of Removal, MAT will file a copy of this Notice of Removal with the Clerk of the Multnomah County Circuit Court of the State of Oregon where the above-captioned action is currently pending, as required by 28 U.S.C. § 1446(d).

NON-WAIVER OF DEFENSES

17. By removing this action from the Multnomah County Circuit Court of the State of Oregon, MAT does not waive any defenses available to it or admit any of the allegations in Plaintiff's complaint. Further, MAT reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant MAT respectfully removes the above-captioned action from the Multnomah County Circuit Court of the State of Oregon to the United States District Court for the District of Oregon, Portland Division.

Respectfully submitted this 8th day of April, 2022.

BODYFELT MOUNT LLP

BY: s/Maryssa Ferries

Jamison R. McCune, OSB No. 135547

Email: mccune@bodyfeltmount.com

Maryssa Ferries, OSB No. 213565

Email: ferries@bodyfeltmount.com

Jason A. Gardner, OSB No. 021458

Email: gardner@bodyfeltmount.com

Phone: (503) 243-1022

Fax: (503) 243-2019

Of Attorneys for MAT Holdings, Inc. and MAT Industries, LLC

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION** on the following attorneys on the date noted below via the following method:

Mr. Ronald W Downs
Special Districts Association
727 Center St NE Ste 208
Salem OR 97301
Fax: 503 371-4781
Email: rdowns@sdao.com
Of Attorneys for Plaintiff

Method: ☐ US Mail, postage prepaid
☒ Email – Courtesy Copy
☐ Facsimile
☐ Hand Delivery
☒ CM/ECF Electronic Service

Respectfully submitted this 8th day of April, 2022.

BODYFELT MOUNT LLP

BY: s/Maryssa Ferries
Jamison R. McCune, OSB No. 135547
Email: mccune@bodyfeltmount.com
Maryssa Ferries, OSB No. 213565
Email: ferries@bodyfeltmount.com
Jason A. Gardner, OSB No. 021458
Email: gardner@bodyfeltmount.com
Phone: (503) 243-1022
Fax: (503) 243-2019

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